

Senate Bill No. 1577

CHAPTER 592

An act to amend Sections 17, 331, 332, 3400, and 9160 of the Elections Code, relating to voting.

[Approved by Governor September 18, 2004. Filed with Secretary of State September 18, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1577, Committee on Elections and Reapportionment. Elections: voting.

(1) Existing law requires the Secretary of State to establish and maintain administrative complaint procedures, pursuant to the requirements of the federal Help America Vote Act of 2002.

This bill would prohibit the Secretary of State from establishing a requirement that the administrative remedies provided in the complaint procedures be exhausted in order to pursue any other remedies provided by state or federal law.

(2) Existing law defines a new citizen as any person who meets all the requirements of an elector of, and has established residency in, California, except that he or she will become a United States citizen after the 29th day prior to an election, but on or before the 7th day prior to that election.

This bill would, instead, define a new citizen as any person who meets all the requirements of an elector of, and has established residency in, California, except that he or she will become a United States citizen after the 15th day prior to an election, but on or before the 7th day prior to that election.

(3) Existing law defines a new resident as any person who meets all the requirements of an elector of the State of California, except that his or her residency was established after the 29th day prior to an election.

This bill would, instead, define a new resident as any person who meets all the requirements of an elector of the State of California, except that his or her residency was established after the 15th day prior to an election.

(4) Existing law requires that registration for new residents begin the 28th day prior to an election and end on the 7th day prior to the election day.

This bill would, instead, require that registration for new residents begin the 14th day prior to an election.

(5) Existing law requires the county counsel or district attorney of a county in which an election on a measure is to be held to prepare an impartial analysis of the measure. In the event that the entire text of the measure is not printed on the ballot or in the sample ballot, existing law requires, immediately following the impartial analysis, a written statement informing voters that a copy of the entire ordinance or measure is available by calling the elections official's office.

This bill would allow an elections official, at his or her discretion, to include an additional written statement following the impartial analysis indicating that the full text of the measure may be obtained on the county Web site.

The people of the State of California do enact as follows:

SECTION 1. Section 17 of the Elections Code is amended to read:

17. The Secretary of State shall establish and maintain administrative complaint procedures, pursuant to the requirements of the Help America Vote Act of 2002 (42 U.S.C. Sec. 15512), in order to remedy grievances in the administration of elections. The Secretary of State may not require that the administrative remedies provided in the complaint procedures established pursuant to this section be exhausted in order to pursue any other remedies provided by state or federal law.

SEC. 2. Section 331 of the Elections Code is amended to read:

331. "New citizen" means any person who meets all requirements of an elector of, and has established residency in, the State of California, except that he or she will become a United States citizen after the 15th day prior to an election but on or before the seventh day prior to that election.

SEC. 3. Section 332 of the Elections Code is amended to read:

332. "New resident" means a person who meets all requirements of an elector of the State of California except that his or her residency was established subsequent to the 15th day prior to the election.

The new resident is eligible to vote for President and Vice President and for no other office.

SEC. 4. Section 3400 of the Elections Code is amended to read:

3400. Registration for new residents shall be in progress beginning with the 14th day prior to an election and ending on the seventh day prior to election day.

This registration must be executed in the county elections office and the new resident shall vote a new resident's ballot in that office.

SEC. 5. Section 9160 of the Elections Code is amended to read:

9160. (a) Whenever any county measure qualifies for a place on the ballot, the county elections official shall transmit a copy of the measure



to the county auditor and to the county counsel or to the district attorney in any county which has no county counsel.

(b) The county counsel or district attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall be printed preceding the arguments for and against the measure. The analysis may not exceed 500 words in length.

In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point boldface type, a legend substantially as follows:

“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the elections official’s office at (insert telephone number) and a copy will be mailed at no cost to you.”

The elections official may, at his or her discretion, add the following message: “You may also access the full text of the measure on the county Web site at the following Web site address (insert Web site address).”

(c) Not later than 88 days prior to an election that includes a county ballot measure, the board of supervisors may direct the county auditor to review the measure and determine whether the substance thereof, if adopted, would affect the revenues or expenditures of the county. He or she shall prepare a fiscal impact statement which estimates the amount of any increase or decrease in revenues or costs to the county if the proposed measure is adopted. The fiscal impact statement is “official matter” within the meaning of Section 13303, and shall be printed preceding the arguments for and against the measure. The fiscal impact statement may not exceed 500 words in length.

